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EXAMINER

D AGOSTA, STEPHEN M

ART UNIT

PAPER NUMBER

2684

DATE MAILED: 09/24/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/464,855

Applicant(s)

BULTHUIS ET AL.

Examiner

Stephen M. D'Agosta

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 22 August 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 and 19-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 and 19-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 22 August 2002 have been fully considered but they are **not persuasive**.

1. The examiner acknowledges the amendments made to claims 1 and 15.

2. Applicant argues that Ohashi does not disclose playing an audio file or sound about the data storage locations that do not link to audio storage locations while the user scrolls through the data storage locations. The examiner interprets Ohashi (C2, L14-30 and L40-45) as providing audio output IF the user has previously stored said audio file. It is obvious that the phone will not play out an audio file if said file had not been stored (the applicant makes mention that the user must store the audio file as well). The examiner also broadly interprets the Ohashi as requiring some type of "setup feature" whereby the user is required to load any/all audio feedback files that the user wants played out. Kowalski (claim 1) teaches a cell phone that plays out options, services, phone numbers, call status, etc.. The examiner interprets Kowalski as having pre-programmed audio files for options/features ONLY, but still requires user intervention for the loading of personal phone numbers. Hence, the examiner believes that Ohashi/Kowalski meet the claim limitation.

3. Applicant argues that Ohashi does not disclose feedback output providing first and second types of feedback when navigating at different speeds. Ohashi/Itoh disclose audio read-out (Ohashi - abstract) and first/second types of feedback (normal/fast feed speeds while navigating) that are selected by the user (Itoh - abstract). The examiner feels that playing names at two different speeds is in the "spirit and scope" of a modification to Ohashi (eg. encompasses beeps/clicks/etc.) to allow a person to key off the different speeds the audio is being output at.

The examiner has found several other references that discuss the ability to scroll at different speeds through a menu (Nuovo teaches "the roller is provided such that it extends perpendicularly to the longitudinal axis of the phone, the scrolling through the items in the menu will be performed like the traditional scrolling, but the scrolling will be much faster. The user is allowed to slow down the speed of the scrolling when he is near the desired item") [C1, L55-65]. **One skilled in the art would tie the different scrolling speeds to Itoh's different payout speeds (which has two different audio feedbacks) to allow the audio feedback to keep up with the faster scroll speed.**

Other multi-scrolling speed references found but not cited are Roca et al. U.S. Patent 5,452,240, Weiser et al. U.S. Patent 5,786,819, Hayes Jr. et al. U.S. Patent 6,131,047 and Kim U.S. Patent 5,736,703.

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4. Applicant argues that Itoh does not disclose providing a first/second type of auditory feedback about each one of the options when navigating at different speeds. See #3 above.

5. Applicant argues that Kowalski does not disclose first/second types of feedback when navigating at different speeds. See #3 above.

6. Applicant argues the incentive/suggestion in Ohashi to include a play out feature with multiple speeds as disclosed by Itoh. The examiner made a 103-type rejection based upon Ohashi having audio playout capability and Itoh allowing a user to set different playout speeds (reference #3 above as well).

Response to Amendment

The amendment filed on 22 August 2002 under 37 CFR 1.131 has been considered but is ineffective to overcome the Ohashi reference.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9, 11, 15-19, 21, 23, 24 and 26 rejected under 35 U.S.C. 103(a) as being unpatentable over Ohashi et al. U.S. Patent 5,481,595 and further in view of Kowalski U.S. Patent 5,095,503 and Itoh et al. U.S. Patent 6,205,427 **and Nuovo et al. U.S. Patent 6,097,964** (hereafter referred to as Ohashi, Kowalski, Itoh **and Nuovo**).

As per **claim 1**, Ohashi teaches a portable phone (eg. information processing device) comprising a key matrix (eg. user-interface) [figure 3, various buttons; #208, #222, #224, etc.) for enabling a user to interact with the device, the user-interface **device** comprising:

- a navigating input for enabling the user to navigate in a set of options (figure 3,

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#222 and #224); (note: Ohashi allows navigating through a MENU [C10, L1-6] and/or through phone numbers in a directory C2, L17-19])

- a memory enabling the user to store an audio file of a specific one of the options (figure 1, #30)

- a feedback output to provide respective auditory feedback information to the user about a respective selectable one of the options the user is navigating (C2, L20-30; an option being a phone number); the feedback output providing a first type of auditory feedback information to the user about each respective selectable one of the options, the first type of auditory feedback comprising a play out of the audio file when the user is navigating at a first speed (C2, L24-30 – first speed only)

- a validating input to enable the user to select the current option based on the feedback information (C2, L40-45, specifically L44-45 shows selection of the option/phone number).

But is silent on:

- a set of options (other than telephone numbers) to navigate

- and to provide a second different type of auditory feedback information to the user about each respective selectable one of the options when the user is navigating at a second different speed.

Kowalski teaches a cell phone that provide voice-synthesized feedback for options, services, phone numbers, etc.. Since Ohashi discusses the merits of hands-free cell phone communications in his invention (C1, L18-67 and C2, L1-10) AND states that voice-synthesis systems can be somewhat limited in their application, one can see the reason as to why he uses audio file recordings for voice output confirmation – but he may have limited himself to phone number play-out only. So a modification to Ohashi for audio file play out for all options, services, phone numbers would be obvious to one skilled in the art based on Kowalski's invention (both playout telephone numbers, now both will play out numbers, options, services, etc.).

Itoh, at a high level, teaches a device that has the capability of providing two types of feedback to a user when outputting audible information – the main purpose of his invention is to provide audible output to a user at multiple speeds (a user can be blind [C1, L61-63]). The user can choose to scroll/search at a “normal/slow” speed (which produces audible output the user can understand) and/or at a “fast” speed (which provides a different audible output much faster than the first speed but is still recognizable) [abstract]. Itoh states that the faster speed allows the user to “quickly read a sentence” (C1, L11-12) which parallels a form of scanning or fast searching through a large amount of data. Other devices have the same type of ability (eg. tape recorders and CD players allow for normal play and fast forward). Itoh uses voice synthesis while Ohashi uses audio files. Ohashi discussed the merits of not using voice synthesis and his subsequent use of audio files (see above) and the device being operable in a hands-free manner, hence one skilled in the art could modify Ohashi to include a play-out feature with multiple speeds that utilized audio files instead of voice synthesis (this could also be faster and less processor-intensive because the system is only playing out a file and not synthesizing the data).

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Nuovo teaches a navigation key for a handset (title) that allows a user to navigate/scroll at different speeds (C1, L55-65). One skilled in the art would tie the different scrolling speeds to Itoh's different playout speeds (which has two different audio feedbacks) to allow the audio feedback to keep up with the faster scroll speed.

It would have been obvious to one skilled in the art at the time of the invention to modify Ohashi, such that; 1) it can navigate a set of options (other than telephone numbers) and 2) it provides a second type of auditory feedback when the user is navigating at a second different speed, to allow for the unit to be operated in a completely hands-free manner (eg. store audio files of options, services, etc.) for playout AND the unit allows for fast scrolling through the options (with multiple auditory feedback types) to allow the user to know where they are without looking at the device.

As per **claim 2**, Ohashi teaches the device of claim 1, wherein the navigating input comprises a manual input (C2, L40-42 and figure 3, #222/#224).

As per **claim 3**, Ohashi teaches the device of claim 1, wherein the validating input comprises a manual input (C2, L44-45).

As per **claim 4**, Ohashi teaches the device of claim 2, wherein the manual input enables stepping through the set of options (C2, L40-42).

As per **claims 6 and 16**, Ohashi teaches the claim 1/15 and the use of scroll up/down buttons (figure 3, #222/#224) which provide navigation input to enable the user to scan an at least partly linear array of options/subsets (eg. up a list and down a list).

As per **claim 7 and 17**, Ohashi teaches the device of claim 1/15 and the use of scroll up/down buttons (figure 3, #222/#224) which provide navigation input to enable the user to scan an at least partly circular array of options/subsets (eg. cell phones typically wrap around to the first entry when the last entry is reached and vice versa).

As per **claim 9**, Ohashi teaches the device of claim 1 which comprises a portable/mobile phone (C2, L15 or figure 3) (eg. mobile communication apparatus).

As per **claim 11**, Ohashi teaches the device of claim 1 and a standalone microprocessor [eg. a computer]. (C3, L34-35) which can connect to a controller Lemaire teaches a "computer device" [C3, L58-59] (note phone-like embodiment, figure 1b) that store/play-out audio files and contains a microprocessor (figure 2, #40).

It would have been obvious to one skilled in the art at the time of the invention to modify Ohashi, such that it has computational capabilities, to provide the user with enhanced functionality that is proliferating in more modern phones available off-the-shelf today.

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As per **claim 15**, Ohashi teaches a method of enabling a user to interact with an information processing device, the method comprising:

- enabling the user to navigate among a set of options (figure 3, #222/#224);
- enabling the user to store an audio file representative of a specific one of the options (C2, L21-22 – an option being a telephone number)
- [deleted] (C2, L20-30) providing a first type of auditory feedback information **to the user about each respective selectable one of the options, the first type of auditory feedback** comprising a playout of the audio file when the user is navigating at a first speed (C2, L20-30 – first speed only)
- enabling the user to validate a current one of the options based on the **provided feedback information** for accessing the selectable one of the options (C2, L40-45, specifically L44-45 shows selection of the option/phone number).

but is silent on:

- a list of options (other than telephone numbers) to navigate
- providing a second **different** type of auditory feedback **information to the user about each respective selectable one of the options** when the user is navigating at a second different speed.

Kowalski teaches a cell phone that provide voice-synthesized feedback for options, services, phone numbers, etc.. Since Ohashi discusses the merits of hands-free cell phone communications in his invention (C1, L18-67 and C2, L1-10) AND states that voice-synthesis systems can be somewhat limited in their application, one can see the reason as to why he uses audio file recordings for voice output confirmation – but he may have limited himself to phone number play-out only. So a modification to Ohashi for audio file play out for all options, services, phone numbers would be obvious to one skilled in the art based on Kowalski's invention (both playout telephone numbers, now both will play out numbers, options, services, etc.).

Itoh, at a high level, teaches a device that has the capability of providing two types of feedback to a user when outputting audible information – the main purpose of his invention is to provide audible output to a user at multiple speeds (a user can be blind [C1, L61-63]). The user can choose to scroll/search at a “normal/slow” speed (which produces audible output the user can understand) and/or at a “fast” speed (which provides a different audible output much faster than the first speed but is still recognizable) [abstract]. Itoh states that the faster speed allows the user to “quickly read a sentence” (C1, L11-12) which parallels a form of scanning or fast searching through a large amount of data. Other devices have the same type of ability (eg. tape recorders and CD players allow for normal play and fast forward). Itoh uses voice synthesis while Ohashi uses audio files. Ohashi discussed the merits of not using voice synthesis and his subsequent use of audio files (see above) and the device being operable in a hands-free manner, hence one skilled in the art could modify Ohashi to include a play-out feature with multiple speeds that utilized **audio files instead of voice synthesis** (this could also be faster and less processor-intensive because the system is only playing out a file and not synthesizing the data).

Nuovo teaches a navigation key for a handset (title) that allows a user to navigate/scroll at different speeds (C1, L55-65). One skilled in the art would tie

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the different scrolling speeds to Itoh's different playout speeds (which has two different audio feedbacks) to allow the audio feedback to keep up with the faster scroll speed.

It would have been obvious to one skilled in the art at the time of the invention to modify Ohashi, such that; 1) it can navigate a set of options (other than telephone numbers) and 2) it provides a second type of auditory feedback when the user is navigating at a second different speed, to allow for the unit to be operated in a completely hands-free manner (eg. store audio files of options, services, etc.) for playout AND the unit allows for fast scrolling through the options (with multiple auditory feedback types) to allow the user to know where they are without looking at the device.

As per **claim 19**, Ohashi teaches the method of claim 15 wherein:

- the device comprises a telephone(C2, L15) and
- the set of options comprises telephone extensions (C2, L17-19).

As per **claim 21**, Ohashi teaches the method of claim 15, wherein:

- the device comprises an audio play-out functionality (C2, L25-30);
- the set of options comprises respective introductory portions of respective audio files (C2, L25-33 – voice tag provides an introductory portion of the audio file).

As per **claim 23**, Ohashi teaches the information processing device of claim 1, but is silent on wherein the audio file comprises at least one recorded user-spoken word associated with the option (eg. not a telephone number).

Kowalski teaches a cellular phone that provides voice-synthesized feedback for each function performed by the user (eg. directory number confirmation, option and service selection, etc.) [abstract]. Hence Kowalski provides hands-free operation of a cell phone by providing feedback for “all” options performed by the user. One could conclude that Ohashi's cell phone could be enhanced by modifying it to include voice feedback for ALL options based on play-out of recorded audio files (as per his invention's play-out of telephone number options).

It would have been obvious to one skilled in the art at the time of the invention to modify Ohashi, such that his audio file play-out is provided for all user options (menus, phone numbers, emails, etc.), to provide enhanced functionality as is available in off-the-shelf mobile phones today.

As per **claim 24**, Ohashi teaches the information processing device of claim 1, wherein the audio file comprises at least one recorded user-spoken word associated with the telephone extension (C2, L24-36).

As per **claim 26**, Ohashi teaches the information processing device of claim 1, wherein the audio file comprises at least one recorded user-spoken word associated with one of the telephone extensions (C2, L24-36).

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Claim 10, 20 and 25 rejected under 35 U.S.C. 103(a) as being unpatentable over Ohashi, Kowalski, Itoh **and Nuovo** as applied to claim 9 above, and further in view of Macor U.S. Patent 5,901,222 and Schwelb et al. U.S. Patent 5,950,123 (hereafter referred to as Macor and Schwelb).

As per **claim 10**, Ohashi teaches the device of claim 9 **but is silent on** comprising a wireless email terminal for operating with an application server for text-to-speech conversion.

Macor teaches a portable device/phone having wireless electronic messaging capability (C3, L47) since he shows a "Send Message" option (figure 2, top right-hand screen option), an "Incoming message indicator" (C3, L75) and a text message being viewable on the display screen (figure 8, "Hi John.....").

Schwelb teaches a cellular phone network that allows a user to receive email messages in audible form (eg. tex-to-speech converted) [C1, L35-39].

It would have been obvious to one skilled in the art at the time of the invention to modify Ohashi, such that the phone has email capability and can interoperate with a text-to-speech application server, to provide the user with enhanced functionality that is proliferating in more modern phones available off-the-shelf today.

As per **claim 20**, Ohashi teaches the method of claim 15 **but is silent on:**

- the device is capable of email communication (200) ; and
- the set of options comprises email addresses.

Macor teaches a wireless device/phone that has electronic messaging capability (figure 4, #136 and/or figure 7, #16 shows received message) and therefore would be able to store email addresses.

It would have been obvious to one skilled in the art at the time of the invention to modify Ohashi, such that his device has email capability, to provide enhanced features to the phone which are available today in off-the-shelf models.

As per **claim 25**, Ohashi teaches the information processing device of claim 1, but is silent on wherein the audio file comprises at least one recorded user-spoken word associated with an email address.

Macor teaches a wireless device/phone that can send/receive emails (figure 7, #16 shows a received message). One could assume that a modification to Ohashi to include email functionality would then include the storing/playout of an audio file comprising a recorded user-spoke word associated with the email address (similar to the voice tag in Ohashi (C2, L29-36).

It would have been obvious to one skilled in the art at the time of the invention to modify Ohashi, such that it contains an audio file associated with an email address, to provide the phone with enhanced capability for email as is currently available in Ohashi's design for phone numbers.

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Claims 12 and 13 rejected under 35 U.S.C. 103(a) as being unpatentable over Ohashi, Kowalski, Itoh **and Nuovo** as applied to claim 1 above, and further in view of Lemaire et al. U.S. Patent 5,444,768 (hereafter referred to as Lemaire).

As per **claim 12**, Ohashi teaches the device of claim 1 **but is silent on an apparatus for play-out of music files.**

Lemaire teaches a computer device (note phone-like embodiment, figure 1b) that stores/plays-out audio files which are music files (eg. can connect to a stereo or tape recorder and record/play-out music) [C5, L6-8 and L15-17].

NOTE: Lemaire's device can record both analog and digitally and alludes to a "list of memories" (C2, L3).

It would have been obvious to one skilled in the art at the time of the invention to modify Ohashi, such that the device can store and playout music files, to provide the user with enhanced functionality that is proliferating in more modern phones available off-the-shelf today.

As per **claim 13**, Ohashi teaches the device of claim 1 **but is silent on** wherein the respective auditory feedback comprises a respective introductory portion of a respective one of the music files.

Lemaire teaches a computer device (note phone-like embodiment, figure 1b) that stores/plays-out audio files which are music files (eg. can connect to a stereo or tape recorder and record/play-out music) [C5, L6-8 and L15-17]. Having now established that phone units could store music files, one would expect that a "music tag" (much like the voice tag that is taught by Ohashi (C2, L29-36)) would be recorded and played as the user navigates through the music files (eg. the music tag would be a two second introduction of the music file (C2, L30-31).

It would have been obvious to one skilled in the art at the time of the invention to modify Ohashi, such that it can store music files and plays out a introductory portion as the user navigates, to provide a quick snippet of the music to the user as he/she scrolls through the stored music files thus allowing them to quickly find a music selection to play (this increase functionality/usability of the phone as well).

Claims 14 and 22 rejected under 35 U.S.C. 103(a) as being unpatentable over Ohashi, Kowalski, Itoh **and Nuovo** as applied to claim 1 above, and further in view of Argyroudis et al. U.S. Patent 5,748,104 (hereafter referred to as Argyroudis).

As per **claim 14**, Ohashi teaches the device of claim 1 **but is silent on** a remote control device for consumer appliances.

Argyroudis teaches a mobile/cell phone remotely activating/deactivating an appliance (C6, L44-47 and figure 1).

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It would have been obvious to one skilled in the art at the time of the invention to modify Ohashi, such that the device can remotely control an appliance, thus adding further functionality to the device.

As per **claim 22**, Ohashi teaches the method of claim 15 **but is silent on** wherein:

- the device comprises a remote control device; and
- the set of options comprises a control code for a consumer appliance.

Argyroudis teaches that one could send "control messages from a subscriber station" such as a cell phone "to remotely activate and deactivate an appliance (C6, L44-47).

It would have been obvious to one skilled in the art at the time of the invention to modify Ohashi, such that the device/phone can act as a remote control device and interact with a consumer appliance, to increase the functionality of the device/phone.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

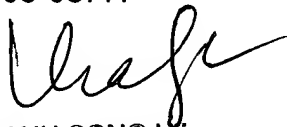
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. D'Agosta whose telephone number is 703-306-5426. The examiner can normally be reached on M-F, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Hunter can be reached on 703-308-6732. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist: 703-306-0377.

SMD
September 5, 2002


THANH CONG LE
PRIMARY EXAMINER
